

ORGANIZATIONAL MEETING

BUSINESS MEETING

BEFORE THE

COMMITTEE ON HOUSE ADMINISTRATION

HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

HEARING HELD IN WASHINGTON, DC, FEBRUARY 9, 2005

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ORGANIZATIONAL MEETING

WEDNESDAY, FEBRUARY 9, 2005

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC.

The committee met, pursuant to call, at 9:45 a.m., in Room 1310, Longworth House Office Building, Hon. Robert W. Ney [chairman of the committee] presiding.

Present: Representatives Ney, Ehlers, Mica, Doolittle, Reynolds, Miller, Millender-McDonald, and Brady.

Also present: Representative Hoyer.

Staff present: Jeff Janas, Professional Staff Member; Fred Hay, General Counsel; Paul Vinovich, Staff Director; George Sherlin, Minority Staff Director; Charles Howell, Minority Chief Counsel; Matt Pinkus, Minority Professional Staff Member; and Tom Hicks, Minority Professional Staff Member.

The CHAIRMAN. The Committee will come to order.

Today the Committee on House Administration is holding its first hearing of the 109th Congress and will be adopting our committee rules and oversight plan for the 109th Congress. In addition, time permitting, we will be voting to report a resolution favorably to the House dismissing an election contest arising from the Sixth Congressional District of Tennessee.

Before I proceed any further, I would like to take a moment to welcome all of our members of the committee for this Congress and congratulate our new Ranking Member, the Congresswoman from California, Juanita Millender-McDonald. And she is no stranger to the committee. She has been on the committee. And she and I share expectations for a productive Congress, and I look forward to working with our new Ranking Member on a lot of important issues, and welcome.

Ms. MILLENDER-McDONALD. Thank you, Mr. Chairman, so much. And let me thank you for the call that you made to me upon my appointment to this post, and it was very gracious for you to do that. I also would like to thank our esteemed leader, the Honorable Nancy Pelosi, for appointing me. I think it fits right in with her strong leadership and her total commitment to diversity. And I thank all of the members with whom I have had the pleasure to work with in the capacity as a member and look forward to working with you just one seat over. Thank you so much.

The CHAIRMAN. Also would be remiss if I didn't note we have had two previous Ranking Members, Congressmen Larson and Hoyer. They were wonderful to work with, and very pleased to have you also.

Ms. MILLENDER-McDONALD. May I please say for the record that I follow behind very large shoes, literally, but nonetheless ex-

tremely effective, in Mr. Hoyer and then Mr. Larson. And I will miss him, but he did extraordinary work, and I am going to see if I can follow in his footsteps.

Mr. EHLERS. If I may, Mr. Chairman, I have worked with Ms. Millender-McDonald on other committees, plus we have a personal friendship, and I can assure you you won't be able to fill their shoes because you are far too petite for that, but you will more than fill the job, and I am very pleased to see you in this position and looking forward to working with you.

The CHAIRMAN. Speaking of Michigan, I want to extend an enthusiastic welcome to our newest member, the gentlewoman from Michigan, Mrs. Candice Miller. And even as an Ohio State graduate, I am happy to have you on this committee. But it is a pleasure having you. And also if people aren't aware, not only is she one of the great Members of the House, but her past background and knowledge of elections as a secretary of state is a real addition to this committee. Welcome.

Mrs. MILLER. Thank you, Mr. Chairman. I certainly appreciate the invitation to serve on this distinguished committee. This committee has a high degree of respect and regard on both sides of the aisle. In my background as a former Secretary of State, I am delighted that we will be taking up the subject of HAVA, but I also had a lot of administrative kinds of responsibilities in my background as well. So with the kind of high degree of respect that this committee has earned, being very even-handed and running the mechanics of the House, it is something I have a great deal of interest in, and certainly with the respect that you have, Mr. Chairman, throughout the Chamber, I am really looking forward to serving on this committee. Thank you.

The CHAIRMAN. Of course, returning to the committee, most of our Republican members—Mr. Linder is on another committee, and we appreciate Mr. Linder's service. We have Congressman Ehlers from Michigan, Congressman Mica from Florida, Congressman Doolittle from California and Congressman Tom Reynolds from New York. Certainly last, but certainly not least, on the Minority side, the honorable gentleman from Pennsylvania Mr. Brady is returning, and we are happy to have him.

So we are really pleased to have all the members, and we are still waiting one more additional appointment for the Minority side, and when that occurs, we will look forward to welcoming that member as well.

Ms. MILLENDER-MCDONALD. One or two appointments?

The CHAIRMAN. At least for the 109th there is one more.

I look forward to working with all of you during the next 2 years and the important work that we have. In addition to our responsibilities of campaign election jurisdiction, we have already begun our work.

The primary responsibility of the Committee on House Administration is to make sure that the House runs smoothly so Members can better represent their constituents. I plan to continue to work with the committee improving the tools and technology that Members and staff have at their disposal. We will look at ways that this committee can assist Members and the committees of the House in better serving the people who elect all of us to this institution.

As part of this effort, we are in the process of completing a House-wide technology assessment, and that will provide a framework from which this committee can direct and authorize important changes in technology. And Mr. Ehlers a decade ago led this charge here in Congress and has continued to do that. But this assessment, I think, which has been done on a bipartisan basis, is going to be very healthy for the House, because if we can better improve our technology, we better serve the constituency across the country that we represent.

In addition, let me emphasize that safety and security of all who serve, work or visit this institution remain the highest priority of this committee as we continue to build on the many improvements since September 11 of 2001. This committee prior to that spent a small amount of time on security. That has been changed in our lives on the Hill, our family has changed, but we owe it to protect the staff and the visitors to this great institution so that security will continue.

And at this time, also, I would like to conclude by welcoming again our Ranking Member and see if you have some remarks.

Ms. MILLENDER-MCDONALD. Thank you, Mr. Chairman. And I concur with your sentiments in that we have begun to do a lot of things in terms of better Member services, advance technology expansion, and there are many more things that we will need to do. I look forward to working with you.

I have spoken with some of the department heads. I am interested in looking at the perimeters around the Capitol and the House offices to ensure that we will continue with the security phase of the proposal we have before us.

I would like to extend my welcome to Mrs. Miller. It is indeed a pleasure to have another woman seated here on this dais, and we look forward to working with you as well.

Mr. Chairman, that is about it for me.

The CHAIRMAN. Any other remarks? If not, we will go onto the business at hand.

Before we proceed with the adoption of the committee rules and oversight plan, I do want to take the opportunity as a final matter of old business to notify the committee that no action was taken under interim authority requiring full committee approval by the Chair. We will certainly bring all the members and particularly our new Ranking Member completely up to speed on all the matters currently pending before the committee.

The Chair now lays before the committee the resolution adopting the committee rules for the 109th Congress. The committee rules presented only contain one change agreed to by the Majority and the Minority from the rules which govern this committee for the 108th Congress; that is to reflect a change made to the House rules and include the rule which grants the chairman the authority to offer a privileged motion to go or agree to conference whenever deemed appropriate. This change eliminates the need for a pro forma unanimous consent request. Is there any discussion on this?

Ms. MILLENDER-MCDONALD. Perhaps not on what you have said, but I do have an amendment at the desk, Mr. Chairman.

The CHAIRMAN. Gentlelady has an amendment at the desk, but there is no objection?

Ms. MILLENDER-MCDONALD. No.

The CHAIRMAN. And would the gentlelady like to explain her amendment?

Ms. MILLENDER-MCDONALD. I do have an amendment that was previously circulated. This amendment seeks to provide an opportunity for the Minority to inquire into unethical or unlawful conduct by any senior agency official under the jurisdiction of the committee. If adopted, the amendment would add a 19th rule. This rule would apply and allow the Minority to petition the Chair for a hearing on unethical and unlawful conduct by a government official. If the hearing was not held within a month of the request, then the Minority would have a right to conduct such a hearing consistent with House rule X1, clauses 11(2)(b) and (2)(c), and consistent with both committee rules and House rules regarding notice and the compulsion of testimony on the production of evidence.

Mr. Chairman, you have always been most accommodating of the Minority's interests and concerns in the past, and we look forward to our continued partnership in exploring what went right and what went wrong in the 2004 election. Although the situation is unlikely, particularly on this committee, my amendment simply provides a means for the Minority to pursue a concern which might not be of equal interest to the Chair. In that unlikely event, the Minority could still pursue its concern in a manner consistent with House rules and committee rules.

And so, Mr. Chairman, I requested the Office of the Parliamentarian to review my language and have been assured that nothing in my amendment is inconsistent with House rules. So I yield to you, Mr. Chairman.

The CHAIRMAN. Even though I don't agree with the amendment, it is germane, and I recognize that. Speaking to the gentlewoman's amendment, I would like to say I do appreciate your point of view and your serious nature of the amendment. I can't agree to its adoption, but I would notice a longstanding prerogative of the Majority when Democrats were in charge of the Chamber, now under the Republicans, to call for and conduct hearings appropriate to the jurisdiction of this committee and not to be put in a position to be forced by the Minority to conduct a hearing. That has been longstanding.

I will say that is the intention, of this chairman and this Majority to conduct thorough oversight over the agencies under the jurisdiction of this committee, and we have actually done it—I can site examples with the Smithsonian, the controversy at the zoo and the outcome of that, and we did address that issue head on. I would expect nothing short of full participation and opportunity by the Minority to conduct a vigorous examination of the issues as part of the process, and that should be the way it is done.

In addition, I would like to remind the Minority, pursuant to the House rules and the rules of this committee now before us, adoption of proposed committee rule 9(c) specifically provides, as it has in the past Congresses, the following, and I would like to read it: When any hearing is conducted by the committee upon any measure or matter, the Minority party members on the committee shall be entitled, and it is a shall, upon request to the Chair by a majority of those Minority members, before the completion of such hear-

ing, to call witnesses selected by the Minority to testify with respect to that measure or matter during at least 1 day of hearings.

So there is something built into the rules. The purpose of that rule is to protect, frankly, the rights of the Minority and their ability to fully examine the issues in hearing before the committee.

I appreciate the seriousness with which you approach this. I can't agree to support it, but I think inherent is the ability of the Minority to call witnesses, and I do assure you as issues come up, even though I am not going to support this, we will be very sensitive to pursuing anything that occurs.

Is there any further discussion on it? Mr. Mica?

Mr. MICA. I have been through two chairmen on the Majority side and three Ranking Members, and while I think I see some of the attempt—the intent from the Minority in formalizing a rule such as you have proposed here, I really don't think it is necessary.

I look back to the days of the Hoyer-Thomas reign, and I felt like I was a referee in a food fight, but we have come a long way, and Mr. Larson operated, I think, with the Majority.

We have important responsibilities, and I don't think it is necessary, in fact, to formalize. And if it was a different situation, I might even agree with the Minority, but I think working together and actually respecting the rights of the Minority not just with this formalized petition process, but at any time that there should be an investigation or review when the Ranking Member and the full committee Chair decide that and work together, I think both sides benefit from that type of a system.

So I will reluctantly oppose that, but I do rely on the good faith, I think, of our Chair and the Ranking Member to bring these issues, these investigative matters forward and then decide, and pledge also if you don't get that support—I was in the Minority. I am part of the Majority now, Vern was, too, and I saw abuse. And I wouldn't—I have always used that as the model you don't want. And that is a cooperative effort particularly on this committee.

I will oppose the amendment with that caveat to respect the right of the Minority to call for investigations and to proceed as we should on any matters that you feel are of vital interest to the committee and the Congress and the country. Thank you.

The CHAIRMAN. Any other comments? Questions on the amendment?

Those in favor of the amendment will say aye.

Those opposed will say nay. Nay.

The amendment has failed.

Recognize Mr. Ehlers for the purpose of offering a motion to adopt the rules.

Mr. EHLERS. Mr. Chairman, I move that the resolution adopting the committee rules for the 109th Congress be approved.

The CHAIRMAN. Question is on the motion. Those in favor of the motion will say aye.

Those opposed will say nay. Nay.

The motion is agreed to, and the committee rules of the 109th Congress are approved.

The Chair now lays before the committee a resolution adopting the oversight plan for the 109th Congress. The committee oversight plan presented contains revisions proposed by both the Minority

and the Majority to reflect changes to our oversight priorities primarily to reflect the continued need to focus on the security of the Capitol complex as well as changes to the section related to our jurisdiction in Federal election law. In addition, we have included new mention of our intention to oversee issues relating to the continuity of Congress and separation incentive programs or buyouts in the legislative branch.

Any discussion on it? Mr. Ehlers?

Recognize Mr. Ehlers for the purpose of offering a motion.

Mr. EHLERS. Mr. Chairman, I move that the resolution adopting the committee oversight plan for the 109th Congress be approved.

The CHAIRMAN. Question is on the motion. Those in favor of the motion will say aye.

Those opposed will say nay.

The motion is agreed to, and the committee oversight plan for the 109th Congress is approved.

Mr. EHLERS. Mr. Chairman, if I may just be permitted to reminisce. It is over 10 years now since I have come on this committee, and in terms of the oversight that we have done during that time, it is just remarkable the change that has occurred in the House. And this is not meant to be a partisan speech, but when we started reviewing the operation of the House, the operation of the House officers, we ordered an audit, an outside audit, the first time in the history of the Congress. The books of the House had not been audited for 50 years internally and never externally. And the auditors came back and said, we can't give an opinion because the books of the House are in such a mess, we can't make sense of them.

And I was reminded of this recently when a reporter called and asked me to review the progress of the last 10 years, and that is one little story I told them. But when you look at the internal operation of the House, we have really gone through a major change from the good old boy system, the patronage system, and keeping the books on ledger cards in pencil, I might add, to a professionally run operation. And I think we have to pat ourselves on the back a bit and certainly commend the House, the Chief Administrative Officer and the employees of the House, for the incredible degree of professionalism that we enjoy today in the House.

And just a simple matter of the way vouchers are handled, I mean, you were here at the time, too, and you recall, it might take us 6 to 8 weeks to get reimbursed for our air travel. Today it is 2 days after the voucher is submitted. And that is one small example of the improvements that have been made.

I think this committee deserves a little pat on the back, and I think the Members of the House do, too, for bringing the House into the 21st century and developing computerized financial accounting systems and really doing a good job running the House. And I wanted to get that statement on the record.

The CHAIRMAN. Thank the gentleman, and also note when I came here a decade ago, Mr. Thomas became the chairman, and Mr. Hoyer, there were some contentious arguments in the beginning of how this structure was going to go, and it ended up at the end of the day in a good way. Used to be you couldn't do anything here. Nothing was allowed, and the Chair had to daily do 200-some vouchers. It wasn't the way to continue on here. And I think it

gave Members a lot more ability and discretion with their accounts and ability to service their constituents.

That is one of the changes, technology. I mean, when you look back, I think there were a lot of changes that were started and have continued to this day, and we may have disagreements here and there, but I think the good thing about this committee is that it respects the institution of the House, and the Members have done that. And we will say our peace and have our arguments, but the idea is that the Members and the staff can better service the constituents across the country. And with it, the new technology means tens of thousands or hundreds of thousands of people now can see the Congress as this is broadcast today.

I think it is a lot of great changes, in the last 10 years, but the gentleman is correct, and you have been a big part of it, change doesn't come without a lot of work.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I appreciate that historical perspective, Mr. Ehlert, because it is important for this committee to ensure that the Members have the capabilities of reaching out beyond the scope of our own constituency. But we have brought into this place advanced technology now that really expands our interaction with the public. When I was out on the campaign trail, there were many who said, "we don't have time to look at C-SPAN, but we can contact you with e-mail and converse with you there." I think any time you are dealing with the people's House, it should be as professional as it should be, and I commend this committee for the work they have done and the work we are setting out to do for the continuation of that professionalism.

The CHAIRMAN. Thank the gentlelady.

Mr. Ehlert.

Mr. EHLERS. One quick comment on that, and that is perhaps one of the biggest changes. When I came here, I was astounded because I was familiar with computers and e-mail. It was easier to e-mail Moscow or Timbuktu than to send an e-mail 20 feet down the hall to a colleague. And as a result of what we have done today, our e-mail in our office outnumbers our U.S. mail about 5 or 8 to 1, and that is total turnaround. And we have made House documents available to the public for the first time, and so the average citizen can know as much as a paid lobbyist. And I think those are important achievements.

The CHAIRMAN. Appreciate the Member's comments.

Our next item on the agenda is a resolution dismissing an election contest arising from the Sixth Congressional District from Tennessee. The clerk will read the motion.

The CLERK. Resolved: That the election contest relating to the office of Representative from the Sixth Congressional District of Tennessee is dismissed.

The CHAIRMAN. Chair recognizes the gentlelady from California.

Ms. MILLENDER-MCDONALD. Thank you, Mr. Chairman.

This is a bipartisan agreement that the election contest relating to the Sixth District of Tennessee is completely frivolous. This is the same contest by the same minor constituent and candidate, making the same erroneous claims, which was unanimously rejected by this committee and by the full House 2 years ago. It should be dismissed without wasting any additional time. There-

fore, I move that the committee order reported favorably to the House an original resolution, the text of which is before the members, to dismiss the election contest from the Sixth District of Tennessee.

The CHAIRMAN. I would note that this is completely frivolous and agree with the gentlelady.

And the question is on the motion. Those in favor of the motion will say aye.

Those opposed will say nay.

Motion is agreed to, and the resolution dismissing the election contest will be reported favorably to the House.

Again, I want to thank everybody for being here. We have our brand new appointed member that has now arrived; is that correct, Mr. Hoyer?

Mr. HOYER. No, sir, but I appreciate the chairman allowing me to sit in the seat of the unappointed member.

The CHAIRMAN. We just praised you quite a lot, so——

Mr. HOYER. Sorry I was late.

Mr. BRADY. I, too, would like to welcome the gentlelady from Michigan. No disrespect to the returning members, but it is good to see another lovely face on our committee.

The CHAIRMAN. Ms. Millender-McDonald.

Ms. MILLENDER-MCDONALD. Mr. Chairman, Mr. Hoyer tends to fill voids no matter where they are, so we are happy he is filling the void this morning.

It is good to have you here, Mr. Whip.

The CHAIRMAN. I now ask unanimous consent that members have 7 legislative days to submit material into the record and for those statements and materials to be entered into the appropriate place in the record. Without objection, the material will be so entered.

[The information follows:]

COMMITTEE INSERT TO COME

The CHAIRMAN. I also ask unanimous consent the staff be authorized to make technical and conforming changes on all matters considered by the committee at today's hearing. Without objection, so ordered.

And having completed our business for this meeting, the committee is hereby adjourned.

[Whereupon, at 10:08 a.m., the committee was adjourned.]